

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 519 - HB 791**

March 2, 2009

**SUMMARY OF BILL:** Broadens the felony offenses of identity theft and identity theft trafficking to include the use of personal identifying information of another person to obtain employment as defined by the bill. Broadens the category of potential victims to include living, dead, or fictitious individuals.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – Not Significant**

**Increase State Expenditures - \$53,000/Incarceration\***

**Increase Local Revenue – Not Significant**

**Increase Local Expenditures – Not Significant**

Assumptions:

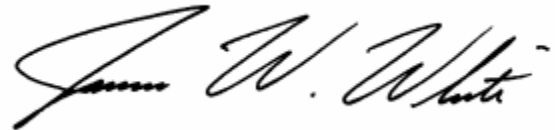
- Under current law, identity theft is punishable as a Class D felony and identity theft trafficking is punishable as a Class C felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional offender. According to DOC, the average post-conviction time served for a Class D felony is 2.43 years. The cost per offender at 2.43 years is \$52,995.96 (\$59.80 x 886.22 days).
- Due to the small number of offenders, no recidivism discount has been applied for identity theft or identity theft trafficking offenses.
- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

- Based on the Fiscal Review Committee's 2008 study of incarceration costs and fines, collection of fines for felony offenses is negligible. There will not be a significant increase in revenue as a result of this bill

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc